

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

November 15, 2004

At 9:36 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Davis, Associate Justice; Butz, Associate Justice and Guzman, bailiff.

**C045353 ARNOLD v. THE CALIFORNIA EXPOSITION AND STATE FAIR et al. and
CAPITOL RACING, LLC.**

Cause called. Dale C. Campbell argued for appellant. Jeremiah D. Blair, Deputy Attorney General, argued for respondent, California Exposition. Jonathan Keith Renner, Deputy Attorney General, argued for respondent, General Services. Glen A. Van Dyke argued for respondent Capitol Racing. Cause submitted.

At 10:06 a.m., the court recessed. At 10:13 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Robie, Associate Justice.

**C045241 CITIZENS FOR A HEALTHY RURAL ENVIRONMENT et al. v. LASSEN
COUNTY et al. and WOSICK et al.**

Cause called. Mark D. Norcross argued for appellants. Mary E. Handel argued and Whitman F. Manley appeared only for respondents. Cause submitted.

At 10:39 a.m., the court recessed. At 10:44 a.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Robie, Associate Justice.

C046351 REIS v. BIGGS UNIFIED SCHOOL DISTRICT

Cause called. David E. Robinett argued for appellant. Lesley Beth Curtis argued for respondent. Cause submitted.

At 11:27 a.m., the court recessed. At 11:31 a.m., the court reconvened with Raye, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

**C047257 GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT v.
THE SUPERIOR COURT OF SAN JOAQUIN COUNTY and R&B PROTECTIVE
COATINGS, INC.**

Cause called. Anthony R. Kovalcik argued and John J. Vlahos appeared only for appellant. Jeffrey B. Setness argued for real party in interest. Cause submitted.

At 11:58 a.m., the court recessed until 9:30 a.m., Wednesday, November 17, 2004.

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November 15, 2004, continued

- C045321 THE PEOPLE v. KENDRICK-GREYWOLF (Not for Publication)**
The matter is remanded for a determination of defendant's ability to pay attorney fees. In all other respects, the judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
Robie, J.
- C046362 THE PEOPLE v. DURAN (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Sims, Acting P.J.
Raye, J.
- C043864 DIEHL-SMITH v. KALSBECK et al. (Not for Publication)**
The judgment is modified... In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal.
HULL, J.
We Concur: Raye, Acting P.J.
Robie, J.
- C044177 BALEME v. COMEAUX et al. (Not for Publication)**
The matter is remanded to the trial court with directions to determine the amount of attorney fees to be awarded in accordance with this opinion. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a)(4).)
BLEASE, Acting P.J.
We Concur: Raye, J.
Butz, J.
- C043689 THE PEOPLE v. RUMSEY**
BY THE COURT:
The San Joaquin County Public Defender's request to publish the opinion filed on October 26, 2004, is denied.
RAYE, J.

November 16, 2004

- C045293 THE PEOPLE v. GOLDSBERRY (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
Butz, J.

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The Minutes

November 16, 2004, continued

- C045680 THE PEOPLE v. WILLIAMS, JR. (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Raye, J.
Butz, J.
- C045746 THE PEOPLE v. WILSON (Not for Publication)**
The judgment is affirmed. The trial court is directed to correct the abstract of judgment as indicated and to forward a certified copy to the Department of Corrections.
SIMS, J.
We Concur: Scotland, P.J.
Butz, J.
- C045766 THE PEOPLE v. PASCHAL (Not for Publication)**
The judgment is reversed. The matter is remanded to the trial court with directions to reinstate the findings of the strike priors and to allow defendant to withdraw his plea.
RAYE, J.
We Concur: Sims, Acting P.J.
Butz, J.
- C045866 THE PEOPLE v. GONZALES (Not for Publication)**
The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of the amended abstract to the Department of Corrections.
SIMS, Acting P.J.
We Concur: Raye, J.
Butz, J.
- C046473 PATERNO et al. v. THE SUPERIOR COURT OF YUBA COUNTY and THE
STATE OF CALIFORNIA et al.
BY THE COURT:**
Petitioner's petition for rehearing is denied.
BLEASE, Acting P.J.

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November 17, 2004

At 9:33 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Sims, Associate Justice; and Rios, bailiff.

C045692 THE PEOPLE v. ANDERSON et al.

Cause called. Doris A. Calandra, Deputy Attorney General, argued for appellant. Thea Greenhalgh, court appointed, counsel, argued for respondent Anderson. Thomas Leupp argued for respondent Soito-Nelson. Cause submitted.

At 10:03 a.m., the court recessed. At 10:05 a.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Robie, Associate Justice.

C045183 THE PEOPLE v. YANG

Cause called. Ruth McVeigh, court appointed counsel, argued for appellant. Paul E. O'Connor, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:35 a.m., the court recessed. At 2:02 p.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Morrison, Associate Justice.

C046333 PENN-AMERICA INSURANCE COMPANY v. MIKE'S TAILORING

Cause called. Daniel P. Costa argued and Paul C. Clauss appeared only for appellant. Stanley R. Parrish argued and Jennifer J. Schultz appeared only for respondent. Cause submitted.

At 2:38 p.m., the court recessed. At 2:42 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Morrison, Associate Justice.

C040014 THE PEOPLE v. BREWER

Cause called. Cara DeVito, court appointed counsel, argued for appellant. Maureen A. Daly, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:12 p.m., the court recessed until 9:30 a.m., Friday, November 19, 2004.

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STATE OF CALIFORNIA
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The Minutes

November 17, 2004, continued

- C039978 THE PEOPLE v. RICH (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed. The superior court is directed to amend the abstract of judgment to reflect these modifications and to correct clerical errors identified in part VI of this opinion. The superior court is further directed to send a certified copy of the amended abstract to the Department of Corrections.
SCOTLAND, P.J.
We Concur: Morrison, J.
Robie, J.
- C043193 THE PEOPLE v. MINTON (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Davis, Acting P.J.
Butz, J.
- C044434 THE PEOPLE v. BUTTS (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
Davis, J.
- C045639 THE PEOPLE v. ZITO (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Butz, J.
- C046768 THE PEOPLE v. BARNES (Not for Publication)**
The judgment is modified... The trial court is directed to prepare a corrected minute order and formal order of probation and to forward certified copies to local jail officials, defendant, and her probation officer. In all other respects, the judgment is affirmed.
ROBIE, J.
We Concur: Davis, Acting P.J.
Butz, J.
- C046896 THE PEOPLE v. O'ROY (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Raye, J.

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At 10:30 a.m., the court recessed. At 10:35 a.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Morrison, Associate Justice.

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November 19, 2004, continued

C042956 OSGOOD v. LANDON

Cause called. David I. Abrams argued for appellant and submitted additional citations. Laura A. Raycraft argued for respondent and submitted additional citations. Cause submitted.

At 10:51 a.m., the court recessed. At 10:57 a.m., the court reconvened with Nicholson, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C044698 THE PEOPLE v. HALL

Cause called. Randi Covin, court appointed counsel, argued for appellant. Clayton S. Tanaka, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:07 a.m., the court recessed until 9:30 a.m., Monday, November 22, 2004.

C042241 THE PEOPLE v. GONZALES (Not for Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Raye, J.
Butz, J.

**C041749 CENTRAL DELTA WATER AGENCY et al. v. STATE WATER RESOURCES
CONTROL BOARD et al. and DELTA WETLANDS PROPERTIES et al.
(CERTIFIED FOR PUBLICATION)**

The judgment is reversed. Costs are awarded to appellants.

BLEASE, Acting P.J.

We Concur: Morrison, J.
Hull, J.

**C044110 THE PEOPLE v. ABBACAUSKAS (CERTIFIED FOR PUBLICATION)
THE COURT:**

The opinion of this court filed October 25, 2004, in the above entitled case is modified...

This modification does not effect the judgment.

BY THE COURT:

BLEASE, Acting P.J.

SIMS, J.

BUTZ, J.

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November 19, 2004, continued

C045211 THE PEOPLE v. DIAL, SR. (CERTIFIED FOR PUBLICATION)

THE COURT:

It is ordered that the opinion filed herein on November 3, 2004, be modified...

There is no change in the judgment.

SIMS, Acting P.J.

NICHOLSON, J.

HULL, J.

C045011 HILLENBRAND, INC., et al. v. INSURANCE COMPANY OF NORTH AMERICAN et al.

BY THE COURT:

Appellant's petition for rehearing is granted. The decision filed on October 29, 2004, is vacated.

SIMS, Acting P.J.